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UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

CHAPTER 13 PLAN AND RELATED MOTIONS

Name of Debtor(s)	: Vanessa Landry	Case No: 16-1424/
This plan, dated	nuary 9, 2017 , is:	
■	the <i>first</i> Chapter 13 plan filed in this case. a modified Plan, which replaces the □confirmed or □unconfirmed Plan dated.	
	Date and Time of Modified Plan Confirming Hearing:	
	Place of Modified Plan Confirmation Hearing:	
The	Plan provisions modified by this filing are:	

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$198,790.00

Total Non-Priority Unsecured Debt: \$6,586.00

Creditors affected by this modification are:

Total Priority Debt: **\$4,697.00**Total Secured Debt: **\$124,796.00**

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- 1. Funding of Plan. The debtor(s) propose to pay the trustee the sum of \$100.00 Monthly for 3 months, then \$450.00 Monthly for 57 months. Other payments to the Trustee are as follows: NONE. The total amount to be paid into the plan is \$ 25,950.00.
- 2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
 - A. Administrative Claims under 11 U.S.C. § 1326.
 - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
 - 2. Debtor(s)' attorney will be paid \$\(\frac{2,500.00}{} \) balance due of the total fee of \$\(\frac{3,000.00}{} \) concurrently with or prior to the payments to remaining creditors.
 - B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

Creditor
Internal Revenue ServiceType of Priority
Taxes and certain other debtsEstimated Claim
4,697.00Payment and Term
Prorata13 months

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
 - A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

<u>Creditor</u> <u>Collateral</u> <u>Purchase Date</u> <u>Est Debt Bal.</u> <u>Replacement Value</u> -NONE-

B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

<u>Creditor</u> <u>Collateral Description</u> <u>Estimated Value</u> <u>Estimated Total Claim</u>

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C. Adequate Protection Payments.

The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

Creditor Collateral Description Monthly Payment To Be Paid By
-NONE-

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

Approx. Bal. of Debt or Creditor Collateral Collateral Approx. Bal. of Debt or Creditor Crammed Down" Value Rate Monthly Paymt & Est. Term**

E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

4. Unsecured Claims.

- **A. Not separately classified.** Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately **100** %. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately **100** %.
- B. Separately classified unsecured claims.

Creditor	Basis for Classification	Treatment
-NONE-		

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- 5. Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any existing default under 11 U.S.C. § 1322(b)(5).
 - A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

		Regular		Arrearage		Monthly
		Contract	Estimated	Interest	Estimated	Arrearage
<u>Creditor</u>	<u>Collateral</u>	Payment	<u>Arrearage</u>	Rate	Cure Period	Payment
Seterus	13615 Garfield Place, #301	961.00	9,380.78	0%	24 months	Prorata
	Woodbridge, VA 22191 Prince					
	William County					

B. Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

		Regular			Monthly
		Contract	Estimated Interest	Term for	Arrearage
Creditor	<u>Collateral</u>	Payment	Arrearage Rate	<u>Arrearage</u>	Payment
-NONE-					

C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

		Interest	Estimated	
Creditor	<u>Collateral</u>	<u>Rate</u>	<u>Claim</u>	Monthly Paymt& Est. Term**
-NONE-				

- **6. Unexpired Leases and Executory Contracts.** The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.
 - A. Executory contracts and unexpired leases to be rejected. The debtor(s) reject the following executory contracts.

<u>Creditor</u> <u>Type of Contract</u>

B. Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

-NONE-				
Creditor	Type of Contract	Arrearage	for Arrears	Cure Period
			Payment	Estimated

Monthly

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- 7. Liens Which Debtor(s) Seek to Avoid.
 - A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

<u>Creditor</u> <u>Collateral</u> <u>Exemption Amount</u> <u>Value of Collateral</u>

B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

<u>Creditor</u> <u>Type of Lien</u> <u>Description of Collateral</u> <u>Basis for Avoidance</u> -NONE-

- 8. Treatment and Payment of Claims.
 - All creditors must timely file a proof of claim to receive payment from the Trustee.
 - If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
 - If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
 - The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- 9. Vesting of Property of the Estate. Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- **10. Incurrence of indebtedness.** The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- 11. Other provisions of this plan:

Signatures:	
Dated: January 9, 2017	
/s/ Vanessa Landry	/s/ Nathan Fisher
Vanessa Landry	Nathan Fisher 37161
Debtor	Debtor's Attorney

Exhibits: Copy of Debtor(s)' Budget (Schedules I and J);

Matrix of Parties Served with Plan

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Certificate of Service

I certify that on ______, I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service List.

/s/ Nathan Fisher
Nathan Fisher 37161
Signature
3977 Chain Bridge Rd., Suite #2
Fairfax, VA 22030
Address
(703) 691-1642
Telephone No.

Ver. 09/17/09 [effective 12/01/09]

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Fill	in this information to identify your c	ase:				[
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	otor 2				_					
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1.	Fill in your employment information.		Debtor 1				Debtor 2	2 or non-	-filing spouse	
	If you have more than one job,	Employment status	■ Employed				☐ Empl	oyed		
	attach a separate page with information about additional	Linployment status	☐ Not employed				□ Not e	mployed		
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	Include part-time, seasonal, or self-employed work.	Employer's name	Millenium Corp	oration						
	Occupation may include student or homemaker, if it applies.	Employer's address								
		How long employed ti	here? Just St	arting						
Par	t 2: Give Details About Mor	nthly Income					_			
	mate monthly income as of the duse unless you are separated.	ate you file this form. If y	you have nothing to r	eport for	any l	ine, write	e \$0 in the	space. I	nclude your no	n-filing
	u or your non-filing spouse have mo e space, attach a separate sheet to		ombine the informatio	n for all e	mplo	oyers for	that perso	on on the	lines below. If	you need
						For Del	otor 1		ebtor 2 or iling spouse	
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3.	Estimate and list monthly overt	ime pay.		3.	+\$		0.00	+\$	N/A	
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	0.00
applies 12. \$	3,780.33
Combine the control of the control o	nned hly income
13. Do you expect an increase or decrease within the year after you file this form?No.	
■ No. ☐ Yes. Explain:	

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Fill	in this informat	tion to identify yo	our case:					
Deb	tor 1	Vanessa Lar	ndry			Che	eck if this is:	
							An amended filing	
	tor 2 ouse, if filing)							wing postpetition chapter the following date:
``			FACTE	DN DIOTDIOT OF VIDOIN				
Unit	ed States Bankri	uptcy Court for the	: EASTE	RN DISTRICT OF VIRGIN	IIA		MM / DD / YYYY	
	e number 16 nown)	-14247						
Of	fficial Fo	rm 106J						
Sc	chedule	J: Your	Exper	ises				12/15
info	rmation. If me		eded, atta	If two married people ar ch another sheet to this n.				
Par		ibe Your House	hold					
1.	Is this a join							
	■ No. Go to		in a conor	ate household?				
	□ res. Doe s		iii a sepai	ate nousenoid?				
			st file Offici	al Form 106J-2, <i>Expenses</i>	s for Separate House	ehold of De	btor 2.	
•			_	, ,	•			
2.	-	dependents?	■ No					
	Do not list De Debtor 2.	ebtor 1 and	☐ Yes.	Fill out this information for each dependent	Dependent's relat Debtor 1 or Debto		Dependent's age	Does dependent live with you?
	Do not state	the						□ No
	dependents r							☐ Yes
							_	□ No
								Yes
								□ No
								☐ Yes
								□ No □ Yes
3.	Do your exp	enses include	_	No				□ 1es
	expenses of	people other to your depende	han $_{f \Box}$	Yes				
Par		ate Your Ongoi						
exp				uptcy filing date unless y y is filed. If this is a supp				
Incl the	ude expenses	s paid for with	non-cash	government assistance i	f you know Your Income			
(Off	ficial Form 10	6I.)					Your exp	enses
4.		r home owners d any rent for th		ses for your residence. In	nclude first mortgag	e 4.	\$	961.00
	If not include	ed in line 4:						
	4a. Real e	state taxes				4a.	\$	0.00
		ty, homeowner's	s, or renter	's insurance		4b.	·	0.00
				ipkeep expenses		4c.	·	0.00
F		owner's associa			ma aquite leese	4d.	·	287.00
5.	Additional fi	iortgage paym	ents for yo	our residence, such as ho	me equity loans	5.	Φ	0.00

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Debtor 1 \(\)	Vanessa Landry	Case num	ber (if known)	16-14247
6. Utilitie	s:			
	Electricity, heat, natural gas	6a.	\$	170.00
	Nater, sewer, garbage collection	6b.	\$	287.00
	Felephone, cell phone, Internet, satellite, and cable services	6c.	\$	109.00
	Other. Specify:	6d.	\$	0.00
	and housekeeping supplies	— 7.	· —	950.00
	are and children's education costs	8.	\$	0.00
	ng, laundry, and dry cleaning	9.	\$	90.00
	nal care products and services	10.	\$	
	al and dental expenses	10.		30.00
	•	11.	Φ	90.00
	portation. Include gas, maintenance, bus or train fare. include car payments.	12.	\$	375.00
	ainment, clubs, recreation, newspapers, magazines, and books	13.		90.00
	able contributions and religious donations	14.		
	<u> </u>	14.	Φ	0.00
5. Insura	include insurance deducted from your pay or included in lines 4 or 20.			
	include insurance deducted from your pay of included in lines 4 of 20. Life insurance	15a.	¢	0.00
	Health insurance	15a. 15b.		
			· —	0.00
	Vehicle insurance	15c.	·	77.00
	Other insurance. Specify:	15d.	\$	0.00
	Do not include taxes deducted from your pay or included in lines 4 or 20.	40	Φ.	
Specify		16.	\$	0.00
	ment or lease payments:	4-	•	
	Car payments for Vehicle 1	17a.	·	0.00
	Car payments for Vehicle 2	17b.	·	0.00
	Other. Specify:	17c.	\$	0.00
17d. (Other. Specify:	17d.	\$	0.00
	ayments of alimony, maintenance, and support that you did not report as			2.22
	ted from your pay on line 5, Schedule I, Your Income (Official Form 106I).	18.	· .	0.00
Other 	payments you make to support others who do not live with you.		\$	0.00
Specify		19.		
	real property expenses not included in lines 4 or 5 of this form or on Scho			
20a. N	Mortgages on other property	20a.	\$	0.00
20b. F	Real estate taxes	20b.	\$	0.00
20c. F	Property, homeowner's, or renter's insurance	20c.	\$	0.00
20d. N	Maintenance, repair, and upkeep expenses	20d.	\$	0.00
20e. H	Homeowner's association or condominium dues	20e.	\$	0.00
1. Other:	Specify:		+\$	0.00
· · · · · · · · · · · · · · · · · · ·	Opcony.		- Ψ	0.00
2. Calcula	ate your monthly expenses			
22a. Ad	dd lines 4 through 21.		\$	3,516.00
22b. Co	opy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2		\$	
	dd line 22a and 22b. The result is your monthly expenses.		\$	3,516.00
220. AC	and and allow the result to your monthly expenses.			3,310.00
3. Calcul	ate your monthly net income.			
23a. (Copy line 12 (your combined monthly income) from Schedule I.	23a.	\$	3,780.33
23b. (Copy your monthly expenses from line 22c above.	23b.	-\$	3,516.00
23c. S	Subtract your monthly expenses from your monthly income.			
	The result is your <i>monthly net income</i> .	23c.	\$	264.33
	u expect an increase or decrease in your expenses within the year after you			
	mple, do you expect to finish paying for your car loan within the year or do you expect you	r mortgage	payment to incre	ease or decrease because of a
	ation to the terms of your mortgage?			
■ No.				
☐ Yes	Explain here:			

American Shield c/o Nationwide Credit P.O. Box 26314 Lehigh Valley, PA 18002

Ar Resources Inc Bankruptcy Po Box 1056 Blue Bell, PA 19422

Bank of America P.O. Box 5270 Carol Stream, IL 60197-5270

Bierman, Ward & Wood, LLC 4520 East West Hwy, Ste. 200 Bethesda, MD 20814

Internal Revenue Service P.O. Box 21126 Philadelphia, PA 19114-0326

Nordstrom Fsb Correspondence Po Box 6555 Englewood, CO 80155

NTB/CBSD CitiCards Private Label Centralized Bank Po Box 790040 Saint Louis, MO 63179

Office of the U.S. Trustee 115 South Union St., Ste. 210 Alexandria, VA 22314

Seterus P.O. Box 2008 Grand Rapids, MI 49501-2008

Summerhouse 1 c/o Gates, Hudson P.O. Box 105007 Atlanta, GA 30348

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Virginia Dept. of Taxation Office of Compliance P.O. Box 1880 Richmond, VA 23218-1880

Whipple Tree Emergency P.O. Box 37992 Philadelphia, PA 19101